

## **ARTICLE D – Off Street Parking**

To see if the Town will vote to update the off-street parking requirements including the purpose paragraph, create a new protocol for determining parking requirements, including the concepts of shared parking and mitigation payments into a municipal parking fund by striking the existing SECTION XXI. OFF-STREET PARKING. and replacing it with a new SECTION XXI to read substantially as follows:

### **SECTION XXI. OFF-STREET PARKING.**

#### **Part A. PURPOSE.**

It is the intent of this Section that any use of land involving the arrival, departure, parking or storage of motor vehicles upon such land be so designed and operated as to assure that all structures and land uses shall have sufficient off-street automobile parking to meet the needs of persons employed at, or making use of, such structures or land uses. It is recognized, however, that the layout of the Town's commercial villages (Wellesley Square, Wellesley Hills Square and Lower Falls Village) encourages pedestrian movement from shop to shop. The creation of new parking lots may be detrimental to the pedestrian-friendly character of these areas. The negative effects of additional parking can be lessened by encouraging parking structures; shared parking; and increased amenities for pedestrians and bicyclists.

#### **Part B. DEFINITIONS.**

As used herein the following words and phrases shall have and include the following respective meanings:

Bicycle facility – improvements to accommodate or encourage bicycling, including provision of parking facilities, maps, and signs.

Driveway - An area on a lot, in addition to parking and maneuvering spaces and aisles, which is designed or used to provide for the passage of motor vehicles to and from a street or way.

Maneuvering space - An area in a parking area which (1) is immediately adjacent to a parking space, (2) is used for and/or is necessary for turning, backing, or driving forward a motor vehicle into such parking space but (3) is not used for the parking or storage of motor vehicles.

Maneuvering aisle - A maneuvering space which serves two or more parking spaces, such as the area between two rows of parking spaces.

Motor vehicle - Any vehicle for which registration is required in order to travel legally on Massachusetts highways.

Parking area - An area either used or required for parking of five or more motor vehicles not for sale or including rental, necessary maneuvering space, but not

including parking on a lot for the passenger cars of residents and guests of a one or two-family dwelling on said lot.

Parking space - An area exclusive of maneuvering area and driveway for the parking of one motor vehicle.

Parking structure - a deck or multi level structure that provides two or more levels of parking for motor vehicles.

Passenger car - A motor vehicle designed for private passenger use.

Restaurant, Fast Food – restaurant where customers order from a menu board while standing at a counter and pay for food before consuming it.

Restaurant, Sit Down - restaurant where customers, while seated, order from wait staff personnel and typically pay after the meal has been consumed. Take away food sales may not exceed 30% of total food sales.

Service area - An off-street space or berth on the same lot with a building or contiguous to a building or buildings, used for maneuvering and/or temporary parking of motor vehicles or storage containers employed in providing the pickup and delivery of goods and services to such building or buildings.

Shared parking – joint use of a parking area by the guests, tenants, visitors, customers, and/or employees of more than one use, business or owner where peak parking demand occurs on different days or different times of the day.

Stacked parking – the parking of cars, one in back of another such that one or more vehicles may have to be moved by an attendant in order that another vehicle may exit the lot.

Storage area - An area either used or required for the parking of motor vehicles held for sale or rental.

Use - The purpose for which land or building is employed, arranged, designed, or intended or for which the land or building is occupied or maintained.

#### Part C. APPLICABILITY.

No new building or structure shall be constructed or used, in whole or in part, and no building, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used unless there is provided off-street parking in accordance with the following conditions:

1. A plan submitted in accordance with Part E of this Section, shall have been approved by the Inspector of Buildings or the Special Permit Granting Authority as provided in SECTION XVIA.

2. No existing required off-street parking spaces shall be eliminated by the replacement or enlargement of an existing building or structure, unless replaced by spaces provided in accordance with this Section.
3. Enlargements or alterations which result in an increase in the ground coverage or the usable floor area of a building or structure shall require additional off-street parking spaces in accordance with the provisions of this Section, but only to the extent that such increase exceeds 5% of the ground coverage or 15% of the floor area existing on March 27, 1950; and provided that property included in a Business or Industrial District on March 31, 1982 shall require additional off-street parking spaces in accordance with the provisions of this paragraph 3. only for any ground coverage or floor area in excess of that in existence on March 31, 1982; and provided, further, that property included in a Business District A., Industrial District A. or Educational District A. on April 4, 1983 shall require additional off-street parking spaces in accordance with the provisions of this Section for floor area in excess of that in existence on April 4, 1983, provided, however, that said properties shall not be rendered non-conforming by reason of having less than the required amount of parking based on floor area existing on April 4, 1983.
4. Changes in the use of existing buildings or structures, or parts thereof or of land shall require additional off-street parking spaces in accordance with the provisions of this Section, but only to the extent that such change comprises 2,500 or more square feet of floor area.
5. Repair or reconstruction of pre-existing non-conforming buildings shall be governed by the provisions of SECTION XVII.
6. Provided, the requirements of Part D. Subpart 2 shall not apply to projects for which a Project of Significant Impact application was filed prior to January 18, 2007, for which projects the off-street parking requirements shall continue to be those applicable at the time of filing.

#### Part D. REGULATIONS AND RESTRICTIONS.

##### Subpart 1. General Provisions

No parking or storage area (whether required by this Bylaw or otherwise subject to Subpart 3. of this Section) shall be constructed or altered; no building permit for the erection, enlargement, or alteration comprising 2,500 or more square feet of floor area of any building for which a parking or storage area would be required by this Bylaw shall be issued; and the uses to which a lot is put shall not be changed to a use or uses requiring different parking requirements from those applicable to the former use; unless in each case a permit has been issued in accordance with the provisions of Part E. of this Section based on an Off-Street Parking or Storage Plan which shows such parking or storage areas and/or the parking or storage areas associated with such buildings or changed uses. Said Off-street Parking or Storage Plan shall include:

- a. The quantity, location, and dimensions of all driveways, maneuvering spaces and aisles, parking spaces, storage areas, and drainage facilities;
- b. The location, size and type of materials for surface paving, curbing or wheel stops, trees, screening and lighting;
- c. The location of all buildings and lot lines from which the parking lot must be set back, and
- d. Such other information as the Building Inspector may reasonably require.

The plan shall be a drawing at a scale of 1 inch equals 20 feet or 1 inch equals 40 feet or at such other scale as the Building Inspector may direct.

Where necessary for the administration of this Section, the Building Inspector may require that the owner, operator or occupant of a lot or any building thereon, furnish a statement as to the number of employees customarily working at any one time on the premises. The Building Inspector may, at any reasonably time, enter upon a lot or into any building thereon, in order to make such determinations as are necessary for the administration of this Section.

No parking or storage area at any time existing shall be discontinued or altered (except in accordance with a permit or a special permit issued pursuant to Part E.) if the requirements of this SECTION XXI. would not thereafter be satisfied with respect to the property theretofore served by such area.

Where off-street parking or storage is furnished in connection with two or more uses the requirements shall be the sum of the requirements for the several uses.

Areas required to be kept open and unoccupied by buildings under SECTION XVIIC., RATIO OF BUILDING TO LOT AREA, and SECTION XIX., YARD REGULATIONS. may be used to satisfy the provisions of this Section.

Nothing herein shall be construed to prohibit the owner of a parking or storage area from restricting the use thereof to his customers, employees or other invitees, nor from charging a reasonable fee for the use thereof.

Subpart 2. Required Parking.

Except where a special permit is granted pursuant to Part E of this Section, off-street parking shall be provided for uses (excluding single and two family and public housing for the elderly) according to the following table.

| OFF-STREET PARKING REQUIREMENTS                       |   |
|---|---|
| USE   | MINIMUM NUMBER OF PARKING SPACES                                |
| Hotel, inn, lodging house.                            | One space per two guest rooms.                                  |
| Restaurant, sit down (with or without liquor license) | One space for each 100 sq. ft.* of area in which food is served |

|   |  |
|---|--|
| Restaurant, fast food (no liquor license)   | Two spaces for each 100 sq. ft. <sup>1</sup> of area in which food is served   |
| Building used for administrative, clerical, statistical & professional offices, and other similar uses. | 3.2 spaces per 1,000 sq. ft. of floor area of buildings. <sup>2, 3</sup>   |
| Any building where the principal use is motor vehicle sales or service.                                 | One space per employee and one space per motor vehicle (not for sale or rental) owned, operated or associated with the establishment and one space per 100 sq. ft. <sup>1</sup> of area occupied by buildings. |
| Any building used for physical education or physical recreation purpose.                                | One space for every 3 permanent spectator seats, which shall include folding bleachers that are attached to buildings, but not less than one space per 1,000 sq. ft. of floor area of buildings. <sup>2</sup>  |
| Any allowed use with or without a special permit in the Lower Falls Village Commercial District         | 3.2 spaces per 1,000 sq. ft. <sup>1</sup> of first floor area of buildings. <sup>2</sup><br>two spaces per 1,000 sq. ft. <sup>1</sup> of upper floor space in excess of 4,000 sq. ft. <sup>2, 4, 5</sup>       |
| Assisted Elderly Living, Independent Elderly Housing.   | 0.65 spaces per dwelling unit.   |
| Conventional Multi Family Housing   | 2 spaces per dwelling unit.  |
| Nursing Home and/or Skilled Nursing Facility.   | 1 space for 5 nursing home beds.   |
| Town Houses, Apartments and other multi-family.   | Two spaces for each dwelling unit.   |
| Any residential use in the Linden Street Corridor Overlay District                                      | 2.5 spaces per one, two or three or more bedroom unit.   |
| Any business or commercial purpose.   | 5 spaces for each 1,000 square feet of ground coverage of buildings <sup>1</sup> , but not less than 3.2 spaces per 1,000 square feet of floor area of buildings. <sup>2</sup>                                 |

1. Computed to the nearest ten square feet.

2. Floor area shall be the sum of the horizontal areas of the several floors (including basement) of a building to the nearest 100 square feet, except that such floor area as is provided for deck parking or other in building parking shall be counted for required parking space and not in figuring floor area for which parking must be provided. For the purpose of computing the requirements, the area shall be measured from the exterior surface of the exterior walls.

3. No parking facilities other than those for transient motor vehicles shall be located between the principal building and the principal street line.

4. If any portion of a parcel is within 600 feet of any portion of a public parking area or areas, having individually or jointly 50 or more parking spaces, off-street parking shall be provided at a ratio of 2.5 spaces per 1,000 gross square feet of commercial floor area, excluding uninhabitable basement areas.
5. Notwithstanding any other applicable use/parking requirement in Part D. Subpart 2 other than hotel, restaurant or residential use requirements.

Subpart 3. Development Standards.

Each parking area hereafter devoted to the off-street parking of fifteen (15) or more vehicles regardless of whether said parking area is required by this Bylaw, shall comply with the standards as hereinafter set forth:

a. Design Standards.

- (i) Parking spaces for the exclusive use of handicapped individuals shall be provided in accordance with the Rules and Regulations of the Architectural Barriers Board. Other parking spaces and maneuvering aisles shall have the minimum dimensions set forth in the following table:

MINIMUM PARKING SPACE AND AISLE DIMENSIONS  
FOR PARKING AREAS (in feet)

| Angle of Parking Aisle | Width of Parking Space | Depth of Parking Space | Width of Maneuver |
|------------------------|------------------------|------------------------|-------------------|
| 61° - 90°              | 8'6"                   | 18'                    | 24'               |
| 46° - 60°              | 8'6"                   | 18'                    | 18'               |
| 45°                    | 8'6"                   | 18'                    | 15'               |
| Parallel               | 8'0"                   | 22'                    | 12'               |

- (ii) The number of driveways permitting entrance to and for exit from a lot shall be limited to two per street line. Driveways shall be located so as to minimize conflict with traffic on public streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic.
- (iii) The width of a driveway for one-way traffic shall be not less than twelve (12) feet as measured at its narrowest point. The width of a driveway for two-way use shall be a minimum of eighteen (18) feet and a maximum of twenty-four (24) feet, as measured at its narrowest point.

- (iv) All parking areas shall be so arranged and designed that the only means of access and egress to and from such areas shall be by driveways meeting the requirements of this Section.
- (v) Driveways shall be arranged for the free flow of vehicles at all times, and all maneuvering spaces and aisles shall be so designated that all vehicles may exit from and enter into a public street by being driven in a forward direction.
- (vi) On any parking area in any District, all paved portions of all parking spaces and maneuvering aisles shall be set back five (5) feet from any wall of a building, and five (5) feet from any private or public way, or any lot line of any land in residential districts or used for residential, conservation or park purposes.
- (vii) Each required off-street parking space shall be designed so that any motor vehicle may proceed to and from said space without requiring the moving of any other vehicle or by passing over any other parking space, except where the parking area is attended or limited to employees.

b. Construction Standards.

- (i) All required parking spaces, maneuvering aisles, and driveways shall have a durable, dustless, all-weather surface, such as bituminous concrete or cement concrete, and shall provide for a satisfactory disposal of surface water by grading and drainage in such a manner that no surface water shall drain onto any public way or onto any lot in other ownership and such surfaces shall be well maintained.
- (ii) Parking areas in all Districts shall be provided with curbing, wheel stops, or other devices to prevent motor vehicles from being parked or driven within required setback areas or onto the required landscaped open space.
- (iii) In any parking area the surface shall be painted, marked or otherwise delineated so that each parking space is apparent.

c. Landscaping Standards.

- (i) For an outdoor parking area containing twenty (20) or more parking spaces, there shall be planted at least one tree for every ten (10) parking spaces on any side of the perimeter of such parking area that abuts the side line of a private or public way, or abuts the lot line of land in residential districts or land used for residential purposes.
- (ii) In any outdoor parking area a landscaped open space having an area of not less than 10% of the outdoor parking area on the lot shall be provided. A minimum of one half of the required landscaped open space shall be located in the interior of the parking area.

- (iii) Trees required by the provisions of this Section shall be at least two (2) inches in diameter at a height of five (5) feet at the time of planting and shall be of a species characterized by rapid growth and by suitability and hardiness for location in a parking lot. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this Section.

d. Screening Standards.

Any parking, storage or service area which abuts residential districts or uses shall be screened from such residential districts or uses and any parking area shall be screened from a public or private way in accordance with the following requirements:

- (i) Materials - plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or a wall shall be constructed, to form the screen. Where a grill or open-work fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this Section.
- (ii) Height - screening shall be at least five (5) feet in height. Plant materials when planted, may be not less than 3 1/2 feet in height if of a species or variety which shall attain the required height and width within three (3) years of planting. Height shall be measured from the finished grade.
- (iii) Width - screening shall be in a strip of landscaped open space at least five (5) feet wide, and so located as not to conflict with any corner visibility requirements or any other Bylaws of the Town.
- (iv) Maintenance - all required plant materials shall be maintained in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained in good repair and presentable appearance and whenever necessary they shall be repaired or replaced.
- (v) Lighting - all artificial lighting used to illuminate a parking or storage area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property.

Part E. ADMINISTRATION.

Subpart 1. Permits.

The owner of a lot, or the operator or occupant thereof with the consent of the owner, shall apply for a permit accompanied by a plan complying with the provisions of Part D. Subpart 1:



- a) for the construction, enlargement, or alteration of a parking or storage area;
- b) for the erection, enlargement or substantial alteration of any building for which parking would be required by this Bylaw; or
- c) for a change in the use or uses that would require different requirements from those applicable to the former use.

The Building Inspector shall determine whether such plan is in compliance with the provisions of this Bylaw and if so he shall issue a permit therefore. If the Building Inspector determines that the plan is not in compliance with this Bylaw he shall deny the application in writing setting forth his grounds for denial.

The fee for such permit shall be determined from time to time by the Selectmen.

#### Subpart 2. Special Permits.

A person who is required to file a parking plan and to obtain a permit pursuant to Part E, Subpart 1, may, instead, apply to the Planning Board acting as Special Permit Granting Authority for a special permit in accordance with Section XXV of the Zoning Bylaw and the requirements of this Subpart.

The process of applying for, reviewing and issuing special permits under this Subpart shall be as provided under Section XXV of the Zoning Bylaw, except as follows:

- a) Contents of Application. In addition to the information required under Section XXV, the application shall include:
  - (i) a plan conforming to the requirements of Part D, Subpart 1, for all on-site parking;
  - (ii) a statement of the proposed square footage devoted to each use in the project and other relevant information sufficient for the Planning Board to determine the required parking spaces under the table in Part D, Subpart 2;
  - (iii) a description of existing and proposed on-street and off-street parking and the availability of public transportation within a 600 foot walking distance from the principal pedestrian entrance, plans for shuttle service, valet parking, shared parking, and/or stacked parking, parking structures, pedestrian usage and bicycle facilities giving details on planned implementation of same; and
  - (iv) a description of all proposed alternative parking arrangements.
- b) Planning Board Review. The Planning Board shall review the application and issue its decision in accordance with Section XXV of the Zoning Bylaw. The

Board may request reviews by the Town Engineer, the Town Traffic Consultant, and others as it may deem necessary, in making this determination. The cost of review shall be the responsibility of the applicant.

- c) Criteria for Issuance of a Special Permit. The Planning Board acting as Special Permit Granting Authority may issue a special permit approving a parking plan with less on-site parking than would normally be required under Part D, Subpart 2, if the Board determines that one or more of the following alternatives have been employed to satisfy the parking needs of the project in question:
  - (i) off-site parking that is accessible to and within a walking distance of 600 feet from a normal pedestrian entrance to the building in question, provided that the applicant has a right to use any off-site parking that is located on private property;
  - (ii) a Transportation Demand Management (TDM) program, approved by the Town's Traffic Engineering Consultant, to reduce parking demand or, a determination by the Town's Traffic Engineering Consultant that the estimated parking demand is less than would otherwise be required; and
  - (iii) payment of a cash contribution to the Municipal Parking Fund in an amount equal to the cost to the Town of providing additional or improved municipal parking to meet the needs of the applicant's project.

Moneys contributed to the Municipal Parking Fund shall be used at the direction of the Board of Selectmen to augment and improve municipal parking facilities in conjunction with the project generating the cash contribution.

or take any other action relative thereto.  
(Planning Board)